

HOUSE BILL No. 5824

May 29, 1990, Introduced by Rep. Dunaskiss and referred to the Committee on Judiciary.

A bill to amend section 356c of Act No. 328 of the Public Acts of 1931, entitled
"The Michigan penal code,"
as added by Act No. 20 of the Public Acts of 1988, being section 750.356c of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 356c of Act No. 328 of the Public Acts
2 of 1931, as added by Act No. 20 of the Public Acts of 1988, being
3 section 750.356c of the Michigan Compiled Laws, is amended to
4 read as follows:

5 Sec. 356c. (1) A person who does any of the following in a
6 store or in its immediate vicinity is guilty of retail fraud in
7 the first degree, a felony punishable by imprisonment for not
8 more than 2 years, or a fine of not more than \$1,000.00, or
9 both:

1 (a) While a store is open to the public, alters, transfers,
2 removes and replaces, conceals, or otherwise misrepresents the
3 price at which property is offered for sale, with the intent not
4 to pay for the property or to pay less than the price at which
5 the property is offered for sale, if the resulting difference in
6 price is more than \$100.00.

7 (b) While a store is open to the public, steals property of
8 the store that is offered for sale at a price of more than
9 \$100.00.

10 (c) With intent to defraud, obtains or attempts to obtain
11 money or property from the store as a refund or exchange for
12 property that was not paid for and belongs to the store, if the
13 amount of money, or the value of the property, obtained or
14 attempted to be obtained is more than \$100.00.

15 (2) A person who violates section 356d and has 1 or more
16 prior convictions ~~under~~ FOR A VIOLATION OF this section, sec-
17 tion 218, 356, 356d, ~~or~~ 359, 360, OR 535, or a local ordinance
18 substantially corresponding to this section or section 218, 356,
19 356d, ~~or~~ 359, 360, OR 535, OR FOR AN ATTEMPT OR CONSPIRACY TO
20 COMMIT A VIOLATION LISTED IN THIS SUBSECTION is guilty of retail
21 fraud in the first degree.

22 (3) A person who commits the crime of retail fraud in the
23 first degree shall not be prosecuted under the felony provision
24 of section 356, or under section 218 or 360.